

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MERRIMACK MUTUAL FIRE
INSURANCE COMPANY, a/so/ JOHN
McDONOUGH

Plaintiff,

v.

APPLICA CONSUMER PRODUCTS, INC.,
Defendant.

CIVIL ACTION NO. 04CV10091-~~MLW~~
MBB

**CERTIFICATION BY DEFENDANT, APPLICA CONSUMER
PRODUCTS, INC., PURSUANT TO L.R. 16.1(D)(3)**

Defendant, Applica Consumer Products, Inc., and its counsel hereby certify to this Court that the defendant and its counsel have conferred:

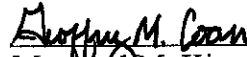
- (a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and
- (b) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

Respectfully submitted,
Applica Consumer Products, Inc.



David S. Goldenberg, Esquire
Associate Counsel – Product Liability
Applica Consumer Products, Inc.
5980 Miami Lakes Drive
Miami Lakes, Florida 33014
(305) 362-2611

Respectfully submitted,
Attorneys for Applica Consumer
Products, Inc.



Maynard M. Kirpalani, (BBO #273940)
Geoffrey M. Coan (BBO #641998)
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Dated: May 5, 2004

CERTIFICATE OF SERVICE

I, Geoffrey M. Coan, hereby certify that I have this 5th day of May, 2004, served a copy of the foregoing upon all parties of record by delivering in hand to:

Edward A. Prisby, Esquire
Hunt, Clark and Embry
55 Cambridge Parkway
Cambridge, MA 02142



Geoffrey M. Coan